

Remarks/Arguments:

Claims 1-28 are pending in this application. Claims 1-13 are allowed and claims 14-28 are rejected.

Claims 14-28 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,133,732 ("Wiktor"). Applicants respectfully traverse these rejections and submit that the pending claims are patentable over the art of record for at least the reasons set forth below.

Response to Prior Art Rejections of Independent Claims 14 and 25

The Office Action rejects independent claims 14 and 25 under § 102(b) based on Wiktor. Applicants respectfully submit, however, that the claimed invention includes structural features that are readily distinguishable from those disclosed by Wiktor. As noted in Applicants' Office Action response dated September 19, 2005, Applicants' invention, as recited by independent claims 14 and 25, includes features which are neither disclosed nor suggested by the art of record, namely, in claim 14: "wherein at least one apex section comprises two struts attached thereto with one strut longer than the other strut, in which for each apex section comprising one strut longer than the other, the two struts lie on a common cylindrical surface having a common radius relative to a longitudinal axis of the stent" (emphasis added); and claim 25: "the non-uniform apex sections and the generally uniform apex sections all lying on a common cylindrical surface having a common radius relative to a longitudinal axis of the stent." (emphasis added).

In addressing Applicants' September 19, 2005 Office Action response, the Office Action merely states that the anticipation rejection of the claims is proper because "Wiktor disclose[s] a stent that [is] made from wrapping the wire (2) around a cylindrical mandrel," therefore, the stent would inherently have "the two struts lie on a cylindrical surface having a common radius relative to a longitudinal axis of the stent." (See Office Action, page 2). While this is true with respect to Applicants' invention, it certainly cannot be the case of Wiktor, particularly with respect to the embodiment of Wiktor cited by the Office Action.

With the rejection of each of claims 14-28 based on the reasoning of the Office Action, the Office Action ignores the express teaching of Wiktor, in particular with respect to the embodiment to which the Office Action cites. As discussed in Wiktor, with reference to Figure 8, the "elongated waves 48 are bent to form a loop or hook 50. Each hook is looped over a wave

46 adjacent." (col. 7, lines 20-21). Because the waves are bent to form the hooks 50 that are looped over adjacent waves, it is not possible for Wiktor to inherently include two struts (or waves) that lie on a cylindrical surface having a common radius relative to a longitudinal axis of the stent. This is because the act of *bending* wave 48 to form hook 50 creates new apex sections in the middle of the wave, each having struts on different radii relative to the longitudinal axis. (See the attached copy of the Wiktor Patent Fig. 8, which has been annotated to reflect what the Applicants believe is the Examiner's reading of the reference to support the rejection.) Such *bending* of waves 48 is required to allow hooks 50 to engage adjacent waves 46 as taught by Wiktor. Thus, as shown in Figure 8, the short struts jut radially outward relative to the long struts and consequently, the long and short struts cannot inherently lie on a common cylindrical surface having a common radius relative to the longitudinal axis.

Applicants also contend that if, on the other hand, the Office Action is ignoring the new apex sections formed by bending to make the hook, and referring only to the apex section at the very end of the struts that have been bent in the process of forming the hook (the "hook apex sections"), then the stent apex sections cannot be construed to be "alternately pointing in opposite axial directions" as is expressly required by independent claims 14 and 25, because the hook apex sections point in the *same direction* as the adjacent apex sections.

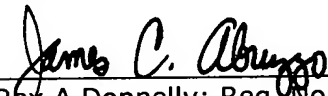
Applicants respectfully submit, therefore, that independent claims 14 and 25 are patentable over Wiktor. Claims 15-24 and 26-28 are also patentable over Wiktor at least for the same reasons that claims 14 and 25, on which they are dependent, are patentable, but may be separately patentable for additional reasons as well.

Appln. No.: 10/747,848
Amendment Dated February 13, 2006
Reply to Office Action of December 13, 2005

Conclusion

In view of the arguments set forth above, Applicants contend that claims 14-28 are in condition for allowance. An interview with the Examiner in charge of this application is requested to discuss any remaining issues which might preclude a Notice of Allowance.

Respectfully submitted,



Rex A Donnelly; Reg. No. 41,712
James C. Abruzzo; Reg. No. 55,890
Attorneys for Applicants

RAD/JA/dlr

Attachments: Wiktor Patent Figure 8 (annotated)

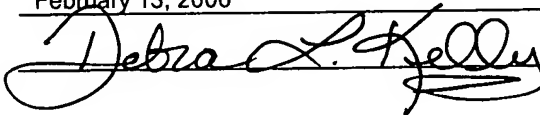
Dated: February 13, 2006

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

February 13, 2006



I:\BSI\230US1\AMENDFINAL01.DOC